

## REMARKS

Claims 1-36 were examined in the application. Claims 1-13, 31-32 and 36 are canceled; claims 14, 15, 19, 23, 30, 33 and 35 are amended; and claims 37-49 are added. Support for the amendment is found throughout the specification and drawings, most notably in paragraph [0013] and FIG. 7. Applicant hereby requests further examination and reconsideration of the application, in view of the foregoing amendments and the following remarks.

### *Claim Objections*

The Patent Office objected to claim 15 as being dependent on claim 2 instead of claim 14. Claim 15 has been amended to now depend from claim 14.

### *Claim Rejections – 35 USC §§ 102, 103*

The Patent Office rejected claims 1, 2, 9, 13, 14, 21-24, 26-29, 31, 35 and 36 under 35 U.S.C. § 102(b) as being anticipated by Williams, U.S. Patent No. 5,097,612. The Patent Office also rejected claims 3-7, 15-18 and 25 under 35 U.S.C. § 103(a) as being unpatentable over Williams in view of Steffan et al., U.S. Patent No. 5,905,434; and claims 8, 10-12, 19, 20, 30 and claims 32-34 under 35 U.S.C. § 103(a) as being unpatentable over Williams and Steffan et al., further in view of Leibowitz, U.S. Patent No. 6,037,866. Applicant has canceled claims 1-13 and 31-32, and 36 obviating the rejection of those claims, and has amended independent claims 14 and 23 to more particularly claim the invention. Accordingly, all rejections are believed to be rendered moot.

Independent claims 14 and 23 more particularly claim that the flexible substrate includes a front surface of non-reflective material having reflective material coupled thereto in a pattern and a back surface and a plurality of fasteners disposed in the substrate for facilitating attachment of the emergency signaling device to an object so that the back surface at least partially rests against the object. Additionally, claim 19 more particularly recites that the plurality of fasteners comprises magnetic fasteners.

None of the cited references, Williams, Steffan et al. or Leibowitz, disclose, teach or suggest an emergency signaling device comprising a flexible substrate that includes a front surface of non-reflective material having reflective material coupled thereto in a pattern and a

back surface, and a plurality of fasteners disposed in the substrate for facilitating attachment of the emergency signaling device to an object so that the back surface at least partially rests against the object.

Instead, the primary reference, Williams, discloses a traffic control sign that is stored within the trunk of an automobile. When the trunk lid is lifted, the sign is unfolded between the raised trunk lid and the trunk, extending the sign. However, the Williams' sign is never removed from the trunk of the automobile and cannot be used remotely. Williams nowhere discloses a plurality of fasteners disposed in the substrate for facilitating attachment of the substrate to an object outside of the vehicle *so that the back surface at least partially rests against the object*. Williams further fails to disclose the use of magnetic fasteners for securing the substrate to metallic objects (e.g., another disabled or damaged automobile, an emergency vehicle, a road sign, guard railing, or the like).

The ancillary references, Steffan et al. and Leibowitz, fail to make up for this defect in the Williams reference since they also fail to disclose, teach or suggest, either alone or in combination with Williams, a plurality of fasteners disposed in the substrate for facilitating attachment of the substrate to an object outside of the vehicle so that the back surface at least partially rests against the object or that these fasteners may comprise magnetic fasteners for securing the substrate to metallic objects as claimed. Instead, Steffan et al. discloses a vehicle communication device that is mounted to a vehicle for display messages, particularly advertising messages. The vehicle communication device does not include a plurality of fasteners that allow the device to be removed from the vehicle and secured to another object in the event of an emergency. Similarly, Leibowitz discloses a portable hazard device that includes a vertical panel formed of a plurality of rigid foldable panels. When the vertical panel is unfolded it is received in a stand and is not secured to an object so that the back surface of the device is at least partially resting against the object. Moreover, neither Steffan et al. nor Leibowitz disclose, teach or suggest the use of magnetic fasteners for securing their respective devices to metallic objects. Moreover, there exists no suggestion or motivation from these references, or the prior art in general, to modify the teaching of the references to provide these limitations.

Accordingly, independent claims 14 and 23, and their associated dependent claims are believed to be patentable over the cited references for at least the above reasons.

With respect to new claims 37-49, none of the cited references disclose, teach or suggest a portable emergency signaling device, comprising a flexible substrate foldable between at least a folded state and an unfolded state, the flexible substrate including a front surface of non-reflective material having reflective material coupled thereto in a pattern and a back of non-abrasive material; a plurality of magnetic fasteners disposed in the substrate for facilitating attachment of the substrate to a metallic object so that the back of non-abrasive material at least partially rests against the metallic object; and a plurality of lights disposed in the flexible substrate within the reflective material, the plurality of lights for being illuminated to display a warning, wherein the flexible substrate is folded to the folded state for storage and transportation and unfolded to the unfolded state for being attached to the metallic object via the magnetic fasteners for display of the warning as claimed. Accordingly, it is submitted that claims 37-49 are patentable over the art of record, and the prior art in general.

### CONCLUSION

The application is respectfully submitted to be in condition for allowance of all claims. Accordingly, notification to that effect is earnestly solicited.

Respectfully submitted,

A.L. Pepper Aasgaard

Dated: March 9, 2005

By:

Kevin E. West  
Reg. No. 43,983

Kevin E. West  
SUITER • WEST PC LLO  
14301 FNB Parkway, Suite 220  
Omaha, NE 68154  
(402) 496-0300 Telephone  
(402) 496-0333 Facsimile